

fish until 9:00 or 10:00 o'clock on election night, and, for this reason, some of them did not find it convenient to vote before 7:00 p.m. Those who voted took time out to change their clothes and go to the poll. Division 39 is about eighty miles by road north west of Corner Brook.

In the relevant Divisions, other than Divisions 6 and 14, all the polls opened at 8:00 a.m., but eight closed at 7:00 p.m., one at 7:10 p.m., one at 7:30 p.m., and two between 7:15 p.m. and 7:30 p.m. No evidence was given in respect of Division 6, and the poll in Division 14 opened at 8:45 a.m., one quarter of an hour earlier than it should have opened, but did not close until 8:00 p.m., the proper time for closing. In those Divisions where the polls opened at 8:00 a.m. and closed at various times between 7:00 p.m. and 7:30 p.m. the Deputy Returning Officers made no distinction between daylight saving time and standard time, even though the instructions issued to Deputy Returning Officers from the office of the Chief Electoral Officer say that the hours of the day for opening and closing the poll—8:00 a.m. and 7:00 p.m.—relate to standard time. In each Division, other than Division 14, in which there were two polls, there was only one poll and this served the voters in, usually, two or three other settlements which were, in some cases, a half mile to one mile away from the poll. It would appear that most of the residents in the settlements had some means for conveyance but in at least one case two people, who lived a mile away from the polling station, and who said they intended to vote between 7:00 and 8:00 p.m., had no means of conveyance; and others had to await the return of a conveyance in which others had already gone to the poll.

Fifty-five witnesses were called on behalf of the petitioner, one of whom was the petitioner himself, one was a poll clerk, one was a C.N.T. operator, thirteen were the Deputy Returning Officers for the relevant Divisions, twenty-four were voters who had tried to vote after 7:00 p.m. but were not allowed to vote, twelve were voters who said that they would have voted if the polls had remained open until 8:00 p.m., but who had been told that these polls had closed at various times between 7:00 p.m., and 7:30 p.m., and three were persons who had voted. There were thirteen other persons, not called as witnesses, who had also been told that the poll had closed at 7:00 p.m. or shortly afterwards, but we do not know if they had intended to vote or not. As we have already said, as at September 3, 1968, when particulars were filed, the petitioner named only seventeen persons who had tried to vote and were unable to do so because the poll was closed, but only fifteen of these were called as witnesses, and since that time, and these were called as witnesses, he has added twenty-one to that list—thirty-six in all. If we add to this total all of those referred to in the evidence, whether or not we know they had intended to vote, who were told that the poll had closed at various times between 7:00 p.m. and 8:00 p.m. and if we assume that all of them would have voted we would add twenty-three more. This makes a grand total of fifty-nine. It can be seen that this number of voters is only just over one-fifth of Mr. Marshall's majority of 283.

The only witness called on behalf of the respondent was the Returning Officer for the District. There were 33,200 voters on the list for the District, of whom 22,365 voted in the election, just over sixty-seven percent. He said that the returns from the various Divisions began to come in to his office in Corner Brook between 8:05 and 8:10 p.m., the first count coming from Corner Brook itself. He remembered receiving a telephone call from Division 9 at Flower's Cove just before 7:45 p.m. He told the caller that the booth was not to close until 8:00 p.m. and that the ballots which had been counted should be